

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

MARION S. LEBON and
LISA COWAND

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:08cv509-LTS-RHW

STATE FARM FIRE & CASUALTY COMPANY

DEFENDANT

ORDER

Before the Court are [98] Plaintiffs' Motion to Compel Defendant to produce a Rule 30(b)(6) deponent and Rule 30(b)(2) documents, Defendant's [99] Motion to Strike the Plaintiffs' Motion as untimely, and Plaintiff's [107] Motion for Extension of Time to Complete Discovery. Plaintiffs' 31-page Motion to Compel the deposition, filed December 30, 2009, addresses 51 areas of inquiry and three broad categories of document requests. Pursuant to the Local Rules, Defendant's response would be due on January 13, 2010, two days after the discovery deadline. Plaintiffs' motion was not filed sufficiently in advance of the discovery deadline to allow a ruling by the Court and could be denied for that reason. However, the Court has determined that the interests of justice would best be served by allowing a 30(b)(6) deposition related to Defendant's adjustment of the Plaintiffs' claim.

Although response time has not yet expired, Defendant has previously stated it does not object to producing a corporate representative and related documents regarding those claim handling policies and procedures which directly relate to State Farm's adjustment of this claim, in keeping with the Court's prior rulings on the appropriate scope of discovery in *Marion v. State Farm*, civil action no. 1:06cv969 and *Perkins v. State Farm*, civil action no. 1:07cv116. See Orders [200, 228, 231] in *Marion* and [117] in *Perkins*. And the Court has previously

instructed that "Plaintiffs should tailor any future 30(b)(6) areas of inquiry to relate to the specific claims in Plaintiffs' complaint and to conform with the Court's prior rulings in *Marion* and *Perkins*." [84]

In light of the time constraints imposed by the trial date, the Court will therefore grant in part Plaintiffs' [98] Motion to Compel and [107] Motion for Extension of Time to Complete Discovery for the limited purpose of permitting Plaintiffs to conduct a Rule 30(b)(6) deposition out of time. However, Defendant is entitled to raise objections to any line of questioning that this Court has deemed beyond the scope of discovery in prior Katrina cases. Defendant is not required to produce a Rule 30(b)(6) deponent for any areas of inquiry that this Court has previously ruled is beyond the scope of discovery. Nor is Defendant required to produce documents pursuant to the overly broad and cumulative document requests in Plaintiff's notice of deposition.

IT IS THEREFORE ORDERED AND ADJUDGED that Plaintiffs' [98] Motion to Compel and [107] Motion for Extension are GRANTED in part, consistent with the provisions outlined in this Order. Defendant's [99] Motion to Strike Plaintiffs' [98] Motion to Compel is DENIED.

IT IS FURTHER ORDERED that Defendant shall within 21 days of the entry of this Order present a Rule 30(b)(6) representative or representatives for deposition.

SO ORDERED, this the 13th day of January, 2010.

sl Robert H. Walker
UNITED STATES MAGISTRATE JUDGE